



County of San Diego

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PLEASE NOTE THAT A FORMAL APPLICATION FOR A HABITAT LOSS PERMIT HAS NOT BEEN FILED AT THIS TIME. THE FOLLOWING IS A DRAFT FORM OF DECISION FOR A HABITAT LOSS PERMIT SHOWING THE FORMAT AND POSSIBLE CONDITIONS FOR A FUTURE HABITAT LOSS PERMIT. BECAUSE A FORMAL APPLICATION HAS NOT BEEN FILED, CERTAIN DATES, FINDINGS AND OTHER INFORMATION IS ABSENT FROM THE DRAFT FORM OF DECISION, THIS INFORMATION WILL BE INCLUDED IN THE FINAL FORM OF DECISION.

DATE (to be determined)

Zephyr Partners
700 Second Street
Encinitas, CA 92024

DRAFT Habitat Loss Permit

APPLICATION NUMBER: HLP XX-XXX, ER 14-08-011

ASSOCIATED PERMIT(S): TM 5589

NAME OF APPLICANT: Zephyr Partners

DESCRIPTION/LOCATION OF LOSS:

The project is a Tentative Map to subdivide approximately 31 acres into eight residential lots, ranging in size from 2.0 to 8.3 acres. The project will impact 2.5 acres of Diegan coastal sage scrub (CSS) of the total 4.8 acres present onsite as well as 0.065 acre of offsite CSS, as shown on the attached Habitat Loss Exhibit.

The project is located at 18531 Aliso Canyon Road in the San Dieguito Community Plan area within unincorporated San Diego County as indicated on the attached USGS map. The site currently contains a single family residence which would be retained on one of the lots and includes native habitat and a small area of intensive agriculture. Surrounding uses include

single-family residences to the north, west and south, The Bridges at Rancho Santa Fe Golf Course to the northwest and the Santa Fe Irrigation District treatment facility to the northeast.

Biological resources on the project site were evaluated in a Biological Technical Report prepared by Helix Environmental Planning (September 18, 2014). On-site habitat includes southern willow scrub, freshwater marsh, native grassland, Diegan coastal sage scrub, non-native grassland, eucalyptus woodland, non-native vegetation, intensive agriculture and developed and disturbed lands. Two sensitive wildlife species and two sensitive plant species were identified onsite: California gnatcatcher (*Poliophtila californica californica*), southern mule deer (*Odocoileus hemionus fuliginata*), San Diego sunflower (*Bahiopsis laciniata*) and ashy spike-moss (*Selaginella cinerascens*). Protocol surveys for the California gnatcatcher were performed in April/May 2014. A single male California gnatcatcher was observed immediately east of the eastern project boundary of the site during the protocol surveys and an individual unpaired individual California gnatcatcher was incidentally observed during the April 2014 general biological survey.

The proposed project will impact 20.4 acres of onsite and less than 0.1 acre offsite, as listed in Table 1. Mitigation will occur through the onsite avoidance of 10.9 acres of southern willow scrub, freshwater marsh, native grassland, Diegan coastal sage scrub, non-native grassland, eucalyptus woodland, non-native vegetation, intensive agriculture and developed and disturbed lands. Mitigation will also include the dedication of a limited building zone easement, open space fencing and signage and breeding season avoidance. The Diegan coastal sage scrub habitat is considered to be of intermediate quality as determined by the criteria established under the Natural Community Conservation Planning (NCCP) Logic Flow Chart. Mitigation ratios are listed in Table 1. All impacts associated with the development of the Zephyr Partners property will be mitigated to a level below significance. The proposed project is in conformance with all standards and guidelines outlined in the NCCP Process Guidelines.

Table 1

Vegetation Community	Acreage				Mitigation	
	Existing	Onsite Impacts	Offsite Impacts	Impact Neutral	Mitigation Ratio	Offsite Mitigation
Southern willow scrub (63320)	0.24	--	--	0.24	3:1	--
Freshwater marsh (52400)	0.11	--	--	0.11	3:1	--
Native grassland (42100)	0.174	0.016	--	0.158	3:1	0.048**
Diegan coastal sage scrub (32500)	4.8	2.5	<0.1 (0.065)	2.3	2:1	5.2
Non-native grassland (42200)	5.3	3.7	--	1.6	0.5:1	1.9
Eucalyptus woodland (79100)	1.5	1.1	--	0.3	--	--
Non-native vegetation (11000)	0.9	0.1	--	0.9	--	--
Intensive agriculture (18200)	3.2	2.5	--	0.7	--	--
Disturbed habitat (11300)	10.7	7.2	<0.1 (0.007)	3.4	--	--
Developed (12000)	4.4	3.3	<0.1 (0.023)	1.2	--	--
TOTAL	31.4	20.4	<0.1	10.9	--	7.2

**Purchase of off-site Diegan coastal sage scrub credits will include native grassland components to fulfill 0.048 acres of native grassland.

DECISION:

The Director of Planning & Development Services has approved your application for a HABITAT LOSS PERMIT. This Habitat Loss Permit approval does not become final until both the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) concur with the Director's approval, by the either of the following:

1. Concurrence implied by allowing a 30-day period, initiated by their receipt of this decision, to lapse without presenting written notification to the County that the decision is inconsistent with the Southern California Coastal Sage Scrub (CSS) Natural Community Conservation Planning (NCCP) Process Guidelines (CDFW, November 1993) or any approved subregional mitigation guidelines; or
2. Granting concurrence through written notification to the County prior to the conclusion of the 30-day period, initiated by their receipt of this decision, that the project is consistent with the Southern California CSS NCCP Process Guidelines or any approved subregional mitigation guidelines.

Pending the issuance of an associated Grading Permit, Clearing Permit or Improvement Plan from the County of San Diego, this Habitat Loss Permit allows for the loss of the above-described coastal sage scrub habitat (see attached Habitat Loss Exhibit) and incidental take of the California gnatcatcher for a period of one calendar year commencing the day concurrence is given by both the USFWS and CDFW. If the loss of habitat, as authorized by this Habitat Loss Permit, has not occurred within this one-year period, this Habitat Loss Permit and the authorization for the loss of coastal sage scrub habitat expires.

Pending the issuance of an associated Grading Permit, Clearing Permit or Improvement Plan from the County of San Diego, this Habitat Loss Permit allows for this additional loss of coastal sage scrub as described above and shown on the attached Habitat Loss Exhibit for a period of one calendar year commencing the day concurrence is given by both the USFWS and CDFW. If the loss of habitat, as authorized by this Habitat Loss Permit, has not occurred within this one-year period, this Habitat Loss Permit and the authorization for the loss of coastal sage scrub habitat that was not previously cleared, graded or removed expires.

This Habitat Loss Permit cannot be relied upon for the clearing, grading or removal of any vegetation until a valid Grading Permit, Clearing Permit or Improvement Plan has been issued from the County of San Diego authorizing such vegetation removal. Furthermore, use and reliance upon this Habitat Loss Permit cannot occur until all of the requirements as specified within the "Conditions of Approval" section of this permit have been satisfied.

CONDITIONS OF APPROVAL:

The following conditions are being placed on TM 5589. For the final Habitat Loss Permit, the list of conditions will be modified to require satisfaction of all conditions prior to use and reliance on the HLP.

APPROVAL OF MAP: The conditions shall be complied with either before a Final Map is approved and filed with the County Recorder or where specifically indicated, may be satisfied on the Final Map and shall also be complied with prior to approval of any plans and issuance of any grading or other permits as specified:

1. **BIO#1–BIOLOGICAL EASEMENT [PDS, FEE X 2]**

INTENT: In order to protect sensitive biological resources, pursuant to the County Guidelines for Determining Significance and the Resource Protection Ordinance (RPO), a biological open space easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego by separate document, an open space easement, as shown on the approved Tentative Map. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exception(s) to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of PDS, DPR and DPW.
- b. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the County of San Diego DEH.

DOCUMENTATION: The applicant shall show the easement on the Final Map with the appropriate granting language on the title sheet concurrent with Final Map Review - OR - The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to the approval of the map or on the map, and prior to the approval of any plan and issuance of any permit, the easements shall be executed and recorded. **MONITORING:** For recordation on the map, [PDS, LDR] shall route the Final Map to [PDS, PCC] for approval prior to map recordation – OR - for recordation by separate document, the [DGS, RP] shall prepare and approve the easement documents and send them to [PDS,

PCC] and *[DPR GPM]* for preapproval. The *[PDS, PCC]* shall preapprove the language and estimated location of the easements prior to recordation. Upon Recordation of the easements *[DGS, RP]* shall forward a copy of the recorded documents to *[PDS, PCC]* for satisfaction of the condition or if recorded on the map, the *[PDS LDR]* shall satisfy the condition after map recordation.

2. **BIO#2–LBZ EASEMENT [PDS, FEEX 2]**

INTENT: In order to protect sensitive biological resources, pursuant to the County Guidelines for Determining Significance and the Resource Protection Ordinance (RPO), a Limited Building Zone (LBZ) Easement shall be granted to limit the need to clear or modify vegetation for fire protection purposes within an adjacent biological resource area. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego a LBZ Easement as shown on the Tentative Map. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibit the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

- a. Decking, fences, and similar facilities.
- b. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

DOCUMENTATION: The applicant shall show the easement on the Final Map with the appropriate granting language on the title sheet concurrent with Final Map Review - OR - The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the *[DGS, RP]*, and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to the approval of the map, or on the map and prior to the approval of any plan and issuance of any permit, the easements shall be recorded. **MONITORING:** For recordation on the map, the *[PDS, LDR]* shall route the Final Map to *[PDS, PCC]* for approval prior to map recordation OR for recordation by separate document, the *[DGS, RP]* shall prepare and approve the easement documents and send them to *[PDS, PCC]* and *[DPR GPM]* for preapproval. The *[PDS, PCC]* shall preapprove the language and estimated location of the easements prior to recordation. Upon Recordation of the easements *[DGS, RP]* shall forward a copy of the recorded documents to *[PDS, PCC]* for satisfaction of the condition - OR - if recorded on the map, the *[PDS LDR]* shall satisfy the condition after map recordation.

3. **BIO#3–OFF-SITE MITIGATION [PDS, FEE X2]**

INTENT: In order to mitigate for the impacts to Diegan coastal sage scrub, non-native grassland and native grassland, which are sensitive biological resources pursuant to the County Guidelines for Determining Significance, off-site mitigation shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of 5.2 acres of Diegan coastal sage scrub containing native grassland components and 1.9 acres of non-native grassland, located in the Red Mountain Mitigation Bank, the Buena Creek Mitigation Bank or other location deemed acceptable by the County and Wildlife Agencies as indicated below.

- a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Wildlife. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same amount and type of land located in San Diego County as indicated below:
1. The type of habitat and the location of the proposed mitigation, should be pre-approved by *[PDS, PCC]* before purchase or entering into any agreement for purchase.
 2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
 3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
 4. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
 5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

DOCUMENTATION: The applicant shall purchase the off-site mitigation credits and provide the evidence to the *[PDS, PCC]* for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the *[PDS PCC]* that *[DPR, GPM]* agrees to this proposal. It is recommended that the

applicant submit the mitigation proposal to the [PDS, PCC], for a pre-approval. If an RMP is submitted in-lieu of purchasing credits (option 1), then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the mitigation shall be completed. **MONITORING:** The [PDS, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PCC] can preapprove the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

4. BIO#4—OPEN SPACE SIGNAGE [PDS, FEE]

INTENT: In order to protect the proposed open space easement from entry, informational signs shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space signs shall be placed along the biological open space boundary as indicated on the approved Tentative Map. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources
Area Restricted by Easement**

Entry without express written permission from the County of San Diego
is prohibited. To report a violation or for more information about easement
restrictions and exceptions contact the County of San Diego,
Planning & Development Services
Reference: PDS2014-TM-5589

DOCUMENTATION: The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space signs have been installed at the boundary of the open space easement(s). **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the open space signs shall be installed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

5. BIO#5—OPEN SPACE FENCING [PDS, FEE]

INTENT: In order to protect the proposed open space easement from entry, and disturbance, permanent fencing shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space fencing shall be placed along the biological open space boundary as indicated on the Tentative Map. The fencing design shall consist of split rail fencing. **DOCUMENTATION:** The applicant shall install the fencing as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space fencing has been installed. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the fencing shall be placed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

PRE-CONSTRUCTION MEETING: (Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances.)

(BIOLOGICAL RESOURCES)

6. BIO#6–TEMPORARY FENCING [PDS, FEE]

INTENT: In order to prevent inadvertent disturbance to onsite wetlands and conserved native habitat, temporary construction fencing shall be installed. **DESCRIPTION OF REQUIREMENT:** Prior to the commencement of any grading and or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the fencing shall be removed. **DOCUMENTATION:** The applicant shall provide evidence that the fencing has been installed and have a California licensed surveyor certify that the fencing is located on the boundary of the open space easement(s). The applicant shall submit photos of the fencing along with the certification letter to the [PDS, PCC] for approval. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the grading and clearing. **MONITORING:** The [PDS, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant.”

7. BIO#7–RESOURCE AVOIDANCE [PDS, FEE X2]

INTENT: In order to avoid impacts to the California gnatcatcher, nesting raptors and migratory birds, which are sensitive biological resources pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading such that none will be allowed within 300 feet of occupied Diegan coastal sage scrub habitat or within 500 feet of active tree nesting raptors during the breeding season of the California gnatcatcher, nesting raptors and migratory birds. The breeding season is defined as occurring between January 15th and September 15th. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no California gnatcatcher, nesting raptors and migratory birds are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDC] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.”

FINAL GRADING RELEASE: (Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).

(BIOLOGICAL RESOURCES)

8. BIO#8—OPEN SPACE SIGNAGE & FENCING [PDS, FEE]

INTENT: In order to comply with Conditions BIO#4 and BIO#5 pursuant to the adopted Mitigation Monitoring and Reporting Program (MMRP) for PDS2014-TM-5589, the fencing and signage shall be installed. **DESCRIPTION OF REQUIREMENT:** The permanent fences and open space signs shall be placed along the open space boundary as shown on these plans and the approved Conceptual Grading and Development Plan for PDS2014-TM-5589.

- a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.
- b. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,
Planning & Development Services
Reference: PDS2014-TM-5589

DOCUMENTATION: The applicant shall install the fencing and signage and provide the documentation photos and certification statement to the [PDS, PCC]. **TIMING:** Prior to the occupancy of any structure and prior to Final Grading Release ([Grading Ordinance Sec. 87.421.a.3](#)) the fencing and signage shall be installed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

9. BIO#9—EASEMENT AVOIDANCE [PDS, FEE]

INTENT: In order to protect sensitive resources, pursuant to [County Grading Ordinance Section 87.112](#) the open space easements shall be avoided. **DESCRIPTION OF REQUIREMENT:** The easement indicated on this plan is for the protection of sensitive environmental resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement, any disturbance shall constitute a violation of the [County Grading Ordinance Section 87.112](#) and will result in enforcement action and restoration. The only exceptions to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this

easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of PDS, DPR and DPW.

- b. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the County of San Diego DEH.

DOCUMENTATION: The applicant shall provide a letter statement to the [PDS, PCC] stating that all Sensitive Resource Easements were avoided during the grading construction, and that no impacts or encroachment into the open space occurred. **TIMING:** Prior to Final Grading Release the letter verifying the easements were not disturbed shall be submitted. **MONITORING:** The [DPW, PDC] shall not allow any grading, clearing or encroachment into the open space easement.”

ENVIRONMENTAL FINDINGS:

A. CEQA Findings

TO BE PROVIDED

B. FINDINGS MADE IN SUPPORT OF THE ISSUANCE OF THE HABITAT LOSS PERMIT:

The following findings are made based upon all of the documents contained in the record for this project and pursuant to Section 86.104 of County of San Diego Ordinance No. 8365 (N.S.) and Section 4.2.g of the CSS NCCP Process Guidelines (CDFW, November 1993):

Finding 1.a: The habitat loss does not exceed the five percent guideline.

The proposed project will impact 2.565 acres of coastal sage scrub and two individual California gnatcatchers (*Polioptila californica*). Approved coastal sage scrub losses as of the date of October 10, 2014 and including this approval, for the entire unincorporated County, outside the boundaries of the Multiple Species Conservation Program (MSCP), are presented in the following table:

Unincorporated Area Coastal Sage Scrub Cumulative Losses	
Total loss allowed under five percent guideline:	2953.30 acres
Cumulative loss of Coastal sage scrub to date:	1187.52 acres
Net loss due to this project:	2.57 acres
Total cumulative loss:	1190.09 acres
Remaining loss under five percent guideline:	1763.21 acres

Finding 1.b: The habitat loss will not preclude connectivity between areas of high habitat values.

Based on the Evaluation Logic Flowchart within the Southern California Coastal Sage Scrub NCCP Conservation Guidelines, the project site has an intermediate value for long-term conservation. A portion of the project site is mapped as very high value on the County Habitat Evaluation Model while the remainder of the site is mapped as developed.

The project site includes an existing single family residence, an area of intensive agriculture, a small drainage and surrounding native vegetation. Surrounding uses include single-family residences to the north, west and south, The Bridges at Rancho Santa Fe Golf Course to the northwest and the Santa Fe Irrigation District treatment facility to the northeast. The onsite habitat is not directly connected to any large areas of habitat, but there is a large area of native habitat further to the northeast of the site past the Santa Fe Irrigation District treatment facility. In addition, the site does contain a small drainage that traverses the northern portion of the project site. The drainage is not a regional corridor and is not expected to serve as an important local movement corridor. The site does not provide a viable connection between any high value habitats, due to its existing development on-site and surrounding land development patterns. Therefore, the project site is unlikely to provide connectivity between nearby areas of high habitat values and this habitat loss will not preclude connectivity.

Finding 1.c: The habitat loss will not preclude or prevent the preparation of the subregional NCCP.

The Diegan coastal sage scrub habitat onsite is not identified for conservation on Attachment B of the Process Guidelines. The project site contains small areas of native habitat and a small drainage which are an onsite residence and onsite intensive agriculture as well as residential development, The Bridges at Rancho Santa Fe Golf Course the Santa Fe Irrigation District treatment facility offsite. The project site is not strategically located for preservation as it does not constitute a wildlife corridor or core area. Since the habitat is already isolated, the habitat loss will not preclude or prevent the preparation of the subregional NCCP.

Finding 1.d: The habitat loss has been minimized and mitigated to the maximum extent practicable in accordance with Section 4.3 of the NCCP Process Guidelines.

The proposed project will impact 2.565 acres of onsite and offsite Diegan coastal sage scrub habitat. The habitat is considered of "intermediate" value, pursuant to the NCCP Logic Flow Chart. The project will dedicate 10.9 acres of onsite open space to avoid an onsite drainage, an adjacent patch of Diegan coastal sage scrub and native grassland patches. Despite the intermediate value of the onsite Diegan coastal sage scrub, this onsite preservation would only serve to avoid onsite resources and would not contribute to an overall preserve system as the site is surrounded by existing development. Therefore, the project will not receive mitigation credit for the onsite open space. The project will be required to purchase no less than 5.2 acres of Diegan coastal sage scrub to mitigate for impacts at a 2:1 ratio. The purchase of offsite habitat will provide for the long-term viability of habitat that has connectivity to high value districts. In addition, no

clearing or grading will be permitted within 300 feet of Diegan coastal sage scrub during the breeding season of the California gnatcatcher and temporary construction fencing will be required to protect habitat adjacent to the impact area. As such, the loss of Diegan coastal sage scrub will be mitigated to the maximum extent practicable for intermediate-value habitat in accordance with Section 4.3 the NCCP Process Guidelines.

Finding 2 The habitat loss will not appreciably reduce the likelihood of survival and recovery of listed species in the wild.

Two sensitive wildlife species and two sensitive plant species were identified onsite: California gnatcatcher (*Polioptila californica californica*), southern mule deer (*Odocoileus hemionus fuliginata*), San Diego sunflower (*Bahiopsis laciniata*) and ashy spike-moss (*Selaginella cinerascens*). The project will be required to offset impacts to Diegan coastal sage scrub with the purchase of offsite mitigation at a 2:1 ratio and non-native grassland with the purchase of mitigation at a 0.5:1 ratio. The offsite habitat purchase will preserve habitat with long-term viability that has connectivity to high value districts and potential to support listed species. Through the project mitigation, the project will not appreciably reduce the likelihood of the survival and recovery of listed species.

Finding 3: The habitat loss is incidental to otherwise lawful activities.

The project will require grading plans for preparation of the site for construction of single family residences. The issuance of a Habitat Loss Permit by the County of San Diego, with the concurrence of the Department of Fish and Wildlife and U.S. Fish and Wildlife Service and approval by the County of San Diego of a Grading Permit, Clearing Permit, or Improvement Plan is required prior to the clearing of any coastal sage scrub supported on the project site. No state or federal permits other than those mentioned above are identified as being required at this time. Construction and/or land use modification will not commence until all appropriate permits have been issued. The project has been found to be in conformance with Section 86.104 of the San Diego County Code. As such, the anticipated loss will be incidental to “otherwise lawful activities”.

NCCP FLOWCHART

1. Is natural vegetation present? **Yes.**
2. Is Coastal sage scrub present? **Yes.**
3. Is Coastal sage scrub the most dense in the subregion? **No.**
4. Is the land close to high value district. **Yes.**
5. Is the land located in a corridor between higher value districts. **No.**
6. Does the land support high density of target species? **No.**

Based on the NCCP Logic Flow Chart, the quality of habitat supported on the project is defined as being “Intermediate Value.”

MITIGATION MONITORING AND REPORTING PROGRAM:

The following shall be the Mitigation Monitoring or Reporting Program for this Habitat Loss Permit:

Public Resources Code Section 21081.6 requires the County to adopt a mitigation reporting or monitoring program for any project that is approved on the basis of a mitigated Negative Declaration or an Environmental Impact Report for which findings are required under Section 21081(a)(1). The program must be adopted for the changes to a project which the County has adopted, or made a condition of project approval, in order to mitigate or avoid significant effects on the environment. The program must be designed to ensure compliance during project implementation.

The mitigation monitoring program is comprised of all the environmental mitigation measures adopted for the project. The full requirements of the program (such as what is being monitored, method and frequency, who is responsible, and required time frames) are found within the individual project conditions. These conditions are referenced below by category under the mechanism which will be used to ensure compliance during project implementation.

- Subsequent Project Permits

Compliance with the following conditions is assured because specified subsequent permits or approvals required for this project will not be approved until the conditions have been satisfied:

1, 2, 3, 4, 5, 6, 7, 8, 9

NOTICE: The issuance of this permit by the County of San Diego does not authorize the applicant for said permit to violate any federal, state, or county laws, ordinances, regulations, or policies, including but not limited to, the federal Endangered Species Act and any amendments thereto.

JUDICIAL REVIEW TIME LIMITATIONS: The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure Section 1094.6, which has been made applicable in the County of San Diego by San Diego County Code Section 11.120. Any petition or other paper seeking judicial review must be filed in the appropriate court not later than the 90th day following the date on which this decision becomes final; however, if within 10 days after the decision becomes final a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30th day following the date on which the record is either personally delivered or mailed to the party, or the party's attorney of record. A written request for the preparation of the record of the proceedings shall be filed with the Director, Planning & Development Services, 5510 Overland Avenue, Suite 110, San Diego, California 92123.

The foregoing decision was approved by the Director of Planning & Development Services on date of decision. A copy of this decision, and the documentation supporting the decision, is on file in the Planning & Development Services office at 5510 Overland Avenue, Suite 110, San Diego, California.

PLANNING & DEVELOPMENT SERVICES
MARK WARDLAW, DIRECTOR

BY:

SAMI REAL, Chief
Project Planning Division

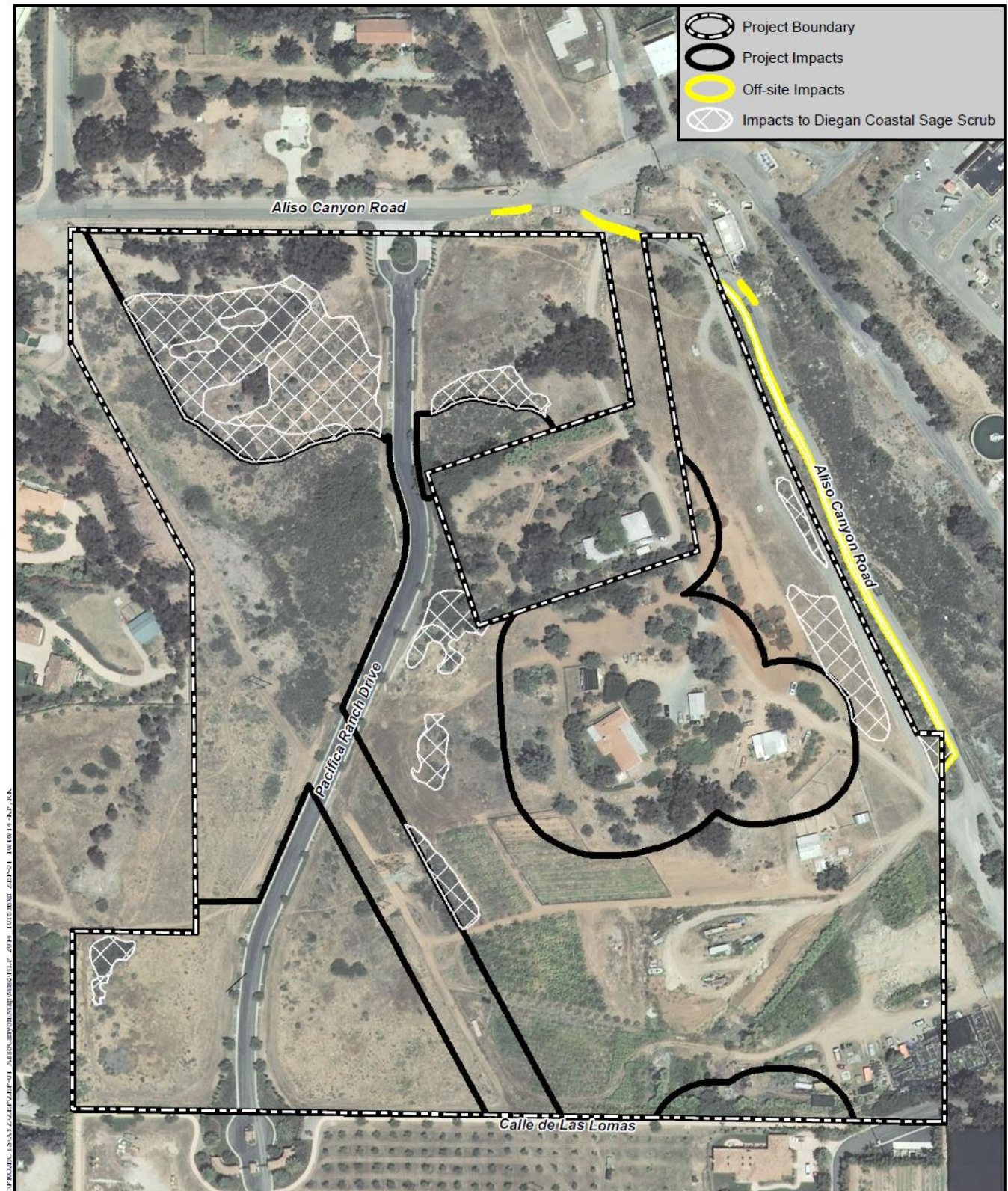
Attachments

Habitat Loss Exhibit
USGS Map
Biological Technical Report (September 18, 2014)

cc: To be provided at issuance of Habitat Loss Permit

email cc:

Marisa Smith, Project Manager, Project Planning, Planning & Development Services
San Diego Community Planning Group



Habitat Loss Permit Exhibit

ALISO CANYON SUBDIVISION